

04-05-06

IFW

Express Mail No. EV853144119US

Attorney Docket No. 108298714US  
Disclosure No. 03-0116.00/US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: LINGYI A. ZHENG ET AL.  
APPLICATION NO.: 10/767,298  
FILED: JANUARY 28, 2004  
FOR: METHODS FOR FORMING SMALL-  
SCALE CAPACITOR STRUCTURES

EXAMINER: CHANDRA P.  
CHAUDHARI  
ART UNIT: 2891  
CONF. NO: 5002

Petition to Withdraw Holding of Abandonment  
Based on Failure to Receive Office Action

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present communication responds to the Notice of Abandonment (the "Notice") dated March 28, 2006 in the above-identified application. The Notice states that the application was abandoned in view of Applicants' failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). The issue fee and publication fee has not been received.

Applicants have reviewed the docket records and searched the physical file corresponding to U.S. Patent Application No. 10/767,298 ("the '298 application"), and have determined that the original Notice of Allowance and Fee(s) Due was never received. Applicants hereby petition the U.S. Patent and Trademark Office (USPTO) to withdraw the holding of abandonment based on failure to receive the office action.

Applicants have attached a printout of the docket records for the '298 application indicating that a Notice of Allowance was not docketed. In the normal course of processing mail received from the USPTO, an Office Communication is docketed by creating an Actions Due record based upon the Action Type. If a Notice of Allowance had been received and docketed,

an Actions Due record for "Pay Issue Fee" would have been created as a result of entry into the docket system of the Notice of Allowance Action Type. The "Pay Issue Fee" Actions Due record would list the due date for payment of the Issue Fee. In the attached printout of the docket records, there is no Actions Due record for "Pay Issue Fee".

Applicants searched the physical file for the '298 application and were unable to locate the Notice of Allowance. Applicants have attached a printout of the prosecution file index corresponding to the '298 application, indicating that a Notice of Allowance was not added to the file.

The docket for the '298 application was not updated to reflect receipt of a Notice of Allowance, and a search of the physical file for the '298 application failed to locate the Notice of Allowance. Accordingly, Applicants have determined that the Notice of Allowance was not received, and respectfully request that the holding of abandonment be withdrawn.

Respectfully submitted,

Perkins Coie LLP

Date: 3 April 2006

  
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Registration No. 54,675

**Correspondence Address:**

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(206) 359-8000



Friday, March 31, 2006

Page: 1

**Actions Due****Case Number:** 108298714**SubCase:****Resp.Office:** SEA**Country:** US      United States of America**Case Type:** ORD**Status :** Published**Action Type:** Ad Hoc**Base Date:** 28-Jun-2005**Response sent date:** 30-Mar-2005

Action(s) Due	Due Date	Indicator	Taken
IDS	28-Jun-2005	Due Date	30-Mar-2005

**User ID:** Carrie**Date Created:** 18-Mar-2005**Last Update:** 22-Jul-2005

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**Actions Due****Friday, March 31, 2006****Page: 2**

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**Case Number:** 108298714**SubCase:****Resp.Office:** SEA**Country:** US      United States of America**Case Type:** ORD**Status :** Published**Action Type:** Matter Open**Base Date:** 22-Oct-2005**Response sent date:** 31-Mar-2006

Action(s) Due	Due Date	Indicator	Taken
Check Status	22-Jan-2006	Due Date	22-Sep-2005
Check Status	22-Mar-2006	Due Date	17-Mar-2006
Check Status	22-Sep-2006	Due Date	31-Mar-2006

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**User ID:** Paige**Date Created:** 22-Jul-2005**Last Update:** 31-Mar-2006

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**Actions Due****Friday, March 31, 2006****Page: 3**

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**Case Number:** 108298714**SubCase:****Resp.Office:** SEA**Country:** US      United States of America**Case Type:** ORD**Status :** Published**Action Type:** New File, Application Filed?**Base Date:** 30-Jan-2003**Response sent date:** 28-Jan-2004

Action(s) Due	Due Date	Indicator	Taken
Application Filed? (2-mo)	30-Mar-2003	Due Date	28-Jan-2004
Application Filed? (3-mo)	30-Apr-2003	Due Date	28-Jan-2004
Application Filed? (4-mo)	30-May-2003	Due Date	28-Jan-2004
Application Filed? (5-mo)	30-Jun-2003	Due Date	28-Jan-2004
Application Filed? (6-mo)	30-Jul-2003	Due Date	28-Jan-2004
Application Filed? (7-mo)	30-Aug-2003	Due Date	28-Jan-2004
Application Filed? (8-mo)	30-Sep-2003	Due Date	28-Jan-2004
Application Filed? (9-mo)	30-Oct-2003	Due Date	28-Jan-2004
Application Filed? (10-mo)	30-Nov-2003	Due Date	28-Jan-2004
Application Filed? (11-mo)	30-Dec-2003	Due Date	28-Jan-2004
Application Filed? (12-mo)	30-Jan-2004	Due Date	28-Jan-2004

**User ID:** Anne**Date Created:** 30-Jan-2003**Last Update:** 30-Jan-2004

## Actions Due

Friday, March 31, 2006

Page: 4

Case Number: 108298714 SubCase: Resp.Office: SEA  
Country: US United States of America Case Type: ORD  
Status : Published  
Action Type: US-Application Filed Base Date: 28-Jan-2004  
Response sent date: 22-Jul-2005

Action(s) Due	Due Date	Indicator	Taken
Postcard Received?	28-Feb-2004	Due Date	09-Feb-2004
IDS (1-mo adv)	28-Mar-2004	Reminder	16-Jul-2004
Filing Receipt Received?	28-Apr-2004	Due Date	16-Jul-2004
IDS	28-Apr-2004	Due Date	07-Apr-2005
Missing Parts Received?	28-Apr-2004	Due Date	28-Jan-2004
Priority Claim? (1-mo adv)	28-Apr-2004	Reminder	28-Jan-2004
Priority Claim?	28-May-2004	Final	28-Jan-2004
Foreign Filing (6-mo adv)	28-Jul-2004	Reminder	22-Dec-2004
Foreign Filing (3-mo adv)	28-Oct-2004	Reminder	22-Dec-2004
Foreign Filing (1-mo adv)	28-Dec-2004	Reminder	22-Dec-2004
Foreign Filing	28-Jan-2005	Final	22-Dec-2004
PTO Status Check	28-Jul-2005	Due Date	22-Jul-2005
US-Application Follow Up Date	22-Jan-2006	Due Date	22-Jul-2005

User ID: Carrie  
Date Created: 30-Jan-2004  
Last Update: 22-Jul-2005

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**Actions Due**

Friday, March 31, 2006

Page: 5

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Case Number: 108298714

SubCase:

Resp.Office: SEA

Country: US United States of America

Case Type: ORD

Status : Published

Action Type: US-Notice of Abandonment

Base Date: 28-Mar-2006

Response sent date:

Action(s) Due	Due Date	Indicator	Taken
File Pet to Revive? (1-mo adv)	28-Apr-2006	Reminder	
File Petition to Revive?	28-May-2006	Final	

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User ID: Paige

Date Created: 31-Mar-2006

Last Update: 31-Mar-2006

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**Actions Due****Friday, March 31, 2006****Page: 6**

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**Case Number:** 108298714**SubCase:****Resp.Office:** SEA**Country:** US      United States of America**Case Type:** ORD**Status :** Published**Action Type:** US-Restriction Requirement**Base Date:** 22-Aug-2005**Response sent date:** 22-Sep-2005

Action(s) Due	Due Date	Indicator	Taken
File Response(2-wk adv to due)	08-Sep-2005	Reminder	22-Sep-2005
File Response	22-Sep-2005	Due Date	22-Sep-2005
File Response (1st ext)	22-Oct-2005	Due Date	22-Sep-2005
File Response (2nd ext) [PTA]	22-Nov-2005	Due Date	22-Sep-2005
File Response (3rd ext) [PTA]	22-Dec-2005	Due Date	22-Sep-2005
File Response (4th ext) [PTA]	22-Jan-2006	Due Date	22-Sep-2005
File Resp (2-wk adv to Final)	08-Feb-2006	Reminder	22-Sep-2005
File Response [PTA]	22-Feb-2006	Final	22-Sep-2005
File Pet. to Revive (1-mo adv)	22-Aug-2006	Reminder	22-Sep-2005
File Petition to Revive	22-Sep-2006	Final	22-Sep-2005

**User ID:** CPI\_Admin**Date Created:** 24-Aug-2005**Last Update:** 22-Sep-2005



Express Mail No. EV853144119US

Attorney Docket No. 108298714US  
Disclosure No. 03-0116.00/US**PATENT APPLICATION INDEX****108298714US**

Client Ref. No.: 03-0116

Inventors:

**Lingyi A. Zheng, Trung T. Doan, Lyle D. Breiner, Er-Xuan Ping, Kevin L. Beaman,  
Ronald A. Weimer, Cem Basceri, David J. Kubista**

Invention Title:

**METHODS FOR FORMING SMALL-SCALE CAPACITOR STRUCTURES**

U.S. App. No.:

**10/767,298**

Confirmation No.: 5002

U.S. Filing Date:

**January 28, 2004**

File History:

Examiner: **Chandra Chaudhari**

Phone No.: (571) 272-1688

Art Unit: **2891**Assigned to: **Micron Technology, Inc.**Small Entity: **No**Nonpublication Request filed?: **No**Date General Authorization Filed: **January 28, 2004**

	Document(s)	Date filed w/PTO	Date Mailed from PTO	Due Date	PTA (+/- days)
1.	PTO/SB/05, PTO/SB/17, Application, Figures, Declaration, Assignment, POA, General Authorization, PTO-1595	1/28/04			
2.	Filing Receipt (Correct)		07/13/04		
3.	Notice of Recordation of Assignment		8/5/04		
4.	IDS	4/7/05			
5.	Notice of Publication of Application		7/28/05		
6.	Restriction Requirement		8/22/05	9/22/05	
7.	<u>Amendment</u>	9/22/05			
8.					
9.					
10.					
11.					
12.					